

# Exhibit 1



## Notice of Service of Process

A3M / ALL  
Transmittal Number: 24982992  
Date Processed: 05/27/2022

**Primary Contact:** SOP Team nwsop@nationwide.com  
Nationwide Mutual Insurance Company  
Three Nationwide Plaza  
Columbus, OH 43215-2410

**Electronic copy provided to:** Ashley Roberts

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**Entity:** Nationwide Insurance Company Of America  
Entity ID Number 3286566

**Entity Served:** Nationwide Insurance Company Of America

**Title of Action:** Life Skills vs. Nationwide Insurance Company

**Matter Name/ID:** Life Skills vs. Nationwide Insurance Company (12365575)

**Document(s) Type:** Summons/Complaint

**Nature of Action:** Contract

**Court/Agency:** Worcester County Superior Court, MA

**Case/Reference No:** 2285CV00387C

**Jurisdiction Served:** Massachusetts

**Date Served on CSC:** 05/26/2022

**Answer or Appearance Due:** 20 Days

**Originally Served On:** MA Commissioner of Insurance on 05/18/2022

**How Served:** Regular Mail

**Sender Information:** Boston Law Collaborative, LLC  
N/A

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Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

**To avoid potential delay, please do not send your response to CSC**

251 Little Falls Drive, Wilmington, Delaware 19808-1674 (888) 690-2882 | sop@cscglobal.com



CHARLES D. BAKER  
GOVERNOR

KARYN E. POLITO  
LIEUTENANT GOVERNOR

**COMMONWEALTH OF MASSACHUSETTS**  
**Office of Consumer Affairs and Business Regulation**  
**DIVISION OF INSURANCE**

1000 Washington Street • Suite 810 • Boston, MA 02118-6200  
(617) 521-7794 • FAX (617) 521-7475  
<http://www.mass.gov/doi>

MIKE KENNEALY  
SECRETARY OF HOUSING AND  
ECONOMIC DEVELOPMENT

EDWARD A. PALLESCHI  
UNDERSECRETARY

GARY D. ANDERSON  
COMMISSIONER OF INSURANCE

May 18, 2022

NATIONWIDE INSURANCE COMPANY OF AMERICA  
c/o Corporation Service Company  
84 State Street  
Boston, MA 02109

**Re: Service of Process**

Dear Sir or Madam:

Enclosed you will find legal process which was served upon the Commissioner of Insurance, in his capacity as attorney and registered agent for, Service of Process\* for a foreign insurance company, as provided for in Massachusetts General Laws, Chapter 175, §151(3) and §154.


**\* Please note: All future inquiry or correspondence should be directed to the attention of the attorney of record of the enclosed documents.**

Sincerely,

A handwritten signature in black ink, appearing to read "Stacy Siegan".

Stacy Siegan  
Assistant to the General Counsel  
(617) 521-7310

Enclosure(s)

Summons	CIVIL DOCKET NO. <i>2287CV000387C</i>	Trial Court of Massachusetts The Superior Court 
CASE NAME:  <i>Life Skills, Inc.</i> vs. <i>Nationwide Insurance Co.</i> Plaintiff(s) Defendant(s)		Dennis P. McManus Clerk of Courts Worcester County COURT NAME & ADDRESS: Worcester Superior Court 225 Main Street Worcester, MA 01608

THIS SUMMONS IS DIRECTED TO *Nationwide Ins Co.* (Defendant's name)

**You are being sued.** The Plaintiff(s) named above has started a lawsuit against you. A copy of the Plaintiff's Complaint filed against you is attached to this summons and the original complaint has been filed in the Court.

**YOU MUST ACT PROMPTLY TO PROTECT YOUR RIGHTS.**

**1. You must respond to this lawsuit in writing within 20 days.**

If you do not respond, the court may decide the case against you and award the Plaintiff everything asked for in the complaint. You will also lose the opportunity to tell your side of the story. You must respond to this lawsuit in writing even if you expect to resolve this matter with the Plaintiff. **If you need more time to respond, you may request an extension of time in writing from the Court.**

**2. How to Respond.**

To respond to this lawsuit, you must file a written response with the court and mail a copy to the Plaintiff's Attorney (or the Plaintiff, if unrepresented). You can do this by:

- a) Filing your **signed original** response with the Clerk's Office for Civil Business, *Worcester Superior Court*  
*225 Main St. Worcester, MA 01608* (address), by mail or in person **AND**
- b) Delivering or mailing a **copy** of your response to the Plaintiff's Attorney/Plaintiff at the following address:

*James E. Grombach, Boston Law Collaborative*  
*80 William St., Suite 200, Wellesley, MA 02481*

**3. What to Include in Your Response.**

An "Answer" is one type of response to a Complaint. Your Answer must state whether you agree or disagree with the fact(s) alleged in each paragraph of the Complaint. Some defenses, called affirmative defenses, must be stated in your Answer or you may lose your right to use them in court. If you have any claims against the Plaintiff (referred to as **counterclaims**) that are based on the same facts or transaction described in the Complaint, then you must include those claims in your Answer. Otherwise, you may lose your right to sue the Plaintiff about anything related to this lawsuit. If you want to have your case heard by a jury, you must **specifically** request a jury trial in your court no more than 10 days after sending your Answer.

3 (cont). You can also respond to a Complaint by filing a "Motion to Dismiss," if you believe that the complaint is legally invalid or legally insufficient. A Motion to Dismiss must be based on one of the legal deficiencies or reasons listed under **Mass. R. Civ. P. 12**. If you are filing a Motion to Dismiss, you must also comply with the filing procedures for "Civil Motions" described in the rules of the Court in which the complaint was filed, available at:

[www.mass.gov/courts/case-legal-res/rules\\_of\\_court](http://www.mass.gov/courts/case-legal-res/rules_of_court)

#### 4. Legal Assistance.

You may wish to get legal help from a lawyer. If you cannot get legal help, some basic information for people who represent themselves is available at [www.mass.gov/courts/selfhelp](http://www.mass.gov/courts/selfhelp).

#### 5. Required Information on All Filings:

The "civil docket number" appearing at the top of this notice is the case number assigned to this case and must appear on the front of your Answer or Motion to Dismiss. You should refer to yourself as the "Defendant."

Witness Hon. Heidi E. Greger, Chief Justice on May 12, 2022. (Seal)

Clerk-Magistrate [Signature]

Note: The number assigned to the Complaint by the Clerk-Magistrate at the beginning of the lawsuit should be indicated on the summons before it is served on the Defendant.

#### PROOF OF SERVICE OF PROCESS

May 18, 2022  
I hereby certify that on \_\_\_\_\_ I served a copy of this summons, together with a copy of the complaint in this action, on the defendant named in this summons, in the following manner (See Mass. R. Civ. P. 4(d)(1-5)):

By First Class Mail to Nationwide Insurance Company of  
America % Corporation Service Company at 84 State Street  
Boston, MA 02109

Dated: 5/18/2022

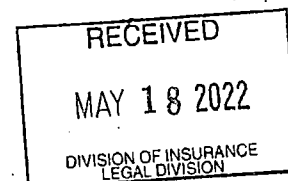
Signature: [Signature]

STACY SIEGAN

#### N.B. TO PROCESS SERVER:

PLEASE ENTER THE DATE THAT YOU MADE SERVICE ON THE DEFENDANT IN THIS BOX - BOTH ON THE ORIGINAL SUMMONS AND ON THE COPY OF THE SUMMONS SERVED ON THE DEFENDANT.

Date:



<b>CIVIL TRACKING ORDER</b> <b>(STANDING ORDER 1- 88)</b>	DOCKET NUMBER <b>2285CV00387</b>	<b>Trial Court of Massachusetts</b> <b>The Superior Court</b>																																				
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COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS.

SUPERIOR COURT  
C.A. NO.

LIFE SKILLS,	)
Plaintiff,	)
	)
v.	)
	)
NATIONWIDE INSURANCE COMPANY	)
Defendant.	)
	)

**COMPLAINT AND JURY CLAIM**

COUNT I (Breach of Contract)

1. Plaintiff Life Skills, Inc. ("Life Skills") has at all times material been a duly-organized corporation which provides residential and day habilitation services to individuals diagnosed with autism and to intellectually and developmentally disabled adults at various facilities in Massachusetts, with its office located at 44 Morris Street, Webster, Worcester County, Massachusetts.

2. Defendant Nationwide Insurance Company ("Nationwide") has at all times material been a duly licensed insurance company with an office located at One West Nationwide Blvd. Columbus, OH 43215-2220, doing and transacting business and issuing insurance policies in Massachusetts, all of which activities are causally related to this cause of action.

3. The Defendant Nationwide issued a commercial package insurance policy, No. MPA00000019116E, effective October 14, 2019 to October 14, 2020 ("Policy"), providing insurance coverage to Plaintiff Life Skills' various facilities in the event of various casualties, including loss due to a collapse.

4. On or about May 5, 2020, the facility located at 44 Morris Street, Webster ("Property"), with building limits in the amount of \$3,038,300, sustained severe damage from a collapse, roughly 8-

10 inches in depth, at the northwest corner of a ceramics classroom.

5. Defendant Nationwide received prompt notice, and assigned an adjuster to the scene.

6. On June 8, 2020, Life Skills received an email from Nationwide (Exhibit A hereto) confirming that coverage for the loss had been afforded due to hidden decay.

7. On June 8, 2020, Life Skills received further confirmation that Nationwide had afforded coverage, by way of a letter dated June 8, 2020, confirming a forthcoming actual cash value (ACV) payment in the amount of \$49,481.06 (Exhibit B), requesting that Life Skills provide Nationwide with incurred demolition invoices and confirming that the Policy in force provides replacement cost value (RCV) coverage.

8. On June 8, 2020, Life Skills received further confirmation of afforded coverage, by way of a detailed offer or estimate, in the amounts of \$59,875.77 RCV and \$51,981.06 ACV (Exhibit C).

9. Subsequently, Life Skills received a check in the amount of \$49,481.06, representing the ACV offer (Exhibit D).

10. Plaintiff is informed and believes, and therefore avers, that on June 10, 2020, an engineer retained by Nationwide inspected the Property.

11. On or about July 9, 2020, Life Skills received a denial letter from Nationwide (Exhibit E), allegedly based on an engineering report.

12. On July 10, 2020, Life Skills received an engineering report written by EFI Global (Exhibit F), stating that the “detachment and dislodgement of the timber beam that resulted in the vertical displacement of the floor was not a collapse”, as defined by the 2015 International Building Code and the Merriam-Webster dictionary.

13. On or about May 18, 2021, Plaintiff Life Skills retained a public adjuster, Mario J. Dies (“Dies”), to assist it in making claims for damage to the building.

14. By letter dated June 13, 2021, Dies submitted a written claim to Nationwide, along with a repair estimate and a proof of loss in the amount of \$402,801, seeking reconsideration of the denial.

15. The terms of the Policy, in particular Form CP 10300607 (Causes of Loss - Special Form), page 7 of 10, provide in Relevant part:

**D. Additional Coverage - Collapse**

1. For the purposes of this Additional Coverage - Collapse, abrupt collapse means an abrupt falling down or caving in of a building or any part of a building with the result that the building or part of the building cannot be occupied for its intended purpose.
2. We will pay for direct physical loss or damage to Covered Property, caused by abrupt collapse of a building or any part of a building that is insured under this Coverage Form or that contains Covered Property insured under this Coverage Form, if such collapse is caused by one or more of the following:
  - a. Building decay that is hidden from view, unless the presence of such decay is known to an insured prior to collapse...

16. Nationwide stopped payment of the \$49,481.06 ACV check to Life Skills.

17. Nationwide neither accepted, rejected nor made payment on Life

Skills' proof of loss.

18. As a result of Defendant Nationwide's refusal to make payment for the loss, the Plaintiff has sustained substantial damages, along with consequential and incidental damages.

**COUNT II (Declaratory Judgment)**

19. The Plaintiff realleges and incorporates by reference each and every allegation of paragraphs 1-18.

20. There is an actual controversy which has arisen between Plaintiff Life Skills and Defendant Nationwide.

**COUNT III (Violation of G.L. c. 93A and 176D)**

22. The Plaintiff realleges and incorporates by reference each and every allegation of

paragraphs 1-21.

23. Plaintiff Life Skills and Defendant Nationwide are engaged in trade or commerce.

24. The Defendant's acts and omissions constitute unfair and deceptive acts and practices, in violation of G.L. c. 93A and 176D.

25. The Defendant's acts were willful and knowing.

26. The Defendant's actions and omissions have caused the Plaintiff a loss of money and other property.

WHEREFORE, the Plaintiff Life Skills prays:

1. that the Court enter judgment in favor of the Plaintiff for damages on Count I, along with interest and costs of suit;

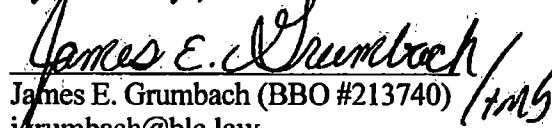
2. that the Court declare the respective rights and obligations of the Plaintiff and the Defendant on Count II, pursuant to G.L. c. 231A;

3. that the Court enter judgment in favor of the Plaintiff for damages on Count III, along with double or treble damages, reasonable attorneys' fees interest and costs; and

4. that the Court enter such other and further relief as the Court deems just and proper.

For the Plaintiff

By its attorneys,

  
James E. Grumbach (BBO #213740) /mg  
[jgrumbach@blc.law](mailto:jgrumbach@blc.law)  
BOSTON LAW COLLABORATIVE, LLC  
80 William Street, Suite 200  
Wellesley, MA 02481  
(617) 439-4700

Dated: April 5, 2022

**THE PLAINTIFF DEMANDS A TRIAL BY JURY ON ALL ISSUES**

EXHIBIT A

From: Michael Coffey <COFFEM1@nationwide.com>  
Sent: Monday, June 8, 2020 11:16 AM  
To: Tom Amick <TAmick@life-skillsinc.org>  
Subject: Nationwide claim 494880-GK

Hi Tom,

We are moving forward with coverage for the damages due to a collapse as the result of hidden decay.

At this point we are forwarding to you the letter and the estimate for repairs based on the inspection by Armand. As stated previously, we have not received any type of estimate from the contractor. Once the estimate is know, we will need to review it and decide what further actions might me needed.

We have also left open the costs for temporary repairs and demolition to date. Please forward the costs of that work once they are known.

A payment based on the attached estimate has been processed and will be sent out in the next day or two by USPS. Please allow 5-7 days for delivery

Once the work on the building has been completed, please submit final invoices so we can make the replacement cost payment to you.

If you have any other questions or concerns please do not hesitate to contact me.

Regards,

Michael Coffey

Harleysville Insurance Company  
Claims Spec II, Coml Property  
PO BOX 182068  
COLUMBUS, OH 43218-2068  
(Work) 614-435-2887  
(Fax) 877-866-1399  
[COFFEM1@nationwide.com](mailto:COFFEM1@nationwide.com)

***EXHIBIT B***



Page 1 of 2

**Date prepared** June 8, 2020  
**Claim number** 494880-GK  
**Policy number** MPA00000019116E  
**Questions?** Contact Claims Associate  
Michael Coffey  
COFFEM1@nationwide.com  
Phone 614-435-2887  
Fax 877-866-1399

Life Skills Inc  
44 MORRIS ST  
WEBSTER, MA 01570-1812

### Claim details

**Insurer:** Harleysville Insurance Company  
**Policyholder:** Life Skills Inc  
**Claim number:** 494880-GK  
**Loss date:** May 5, 2020

Dear Mr. Amick,

Thank for opportunity to work with you on your claim. We are pleased to include a scope of work for the damages to the building. We will be issuing you a payment for \$49,481.06. This represents the actual cash value payment for the estimated repairs or replacement of the damaged property less the deductible shown on your policy.

Please be aware that the lien holders - Webster Five Cents Savings Bank was included on the repair payment in accordance with the terms of your policy. Please contact your mortgage company to arrange the endorsement of the payment by them.

We are aware that there will be invoices for work that has already been completed, including demolition work as well as temporary repairs completed. Please forward any invoices for work that has already been completed, so we can add them to this scope of work.

We want to let you know the next steps you should take to repair or replace you damaged property and how you can be reimbursed for the for replacement value covered by your policy.

#### About your payment:

The payment is for the "actual cash value" of property covered by your policy less your deductible. The actual cash value is the amount of the actual property items are worth now less depreciation. You may be eligible for additional payment because you policy includes "replacement cost" coverage.

Included with you estimate is a Summary statement for each coverage, which provides additional detail about your initial payment and any pending payment.

#### What you need to do:

Please review the estimate we provided to you. It itemizes all the costs for the repairs to and/or replacement of you property. If the repairs or replacement are completed, you can be reimbursed for the difference between the replacement cost and the actual cash value amount we already paid you if you do the following.

- If you or your contractor thinks the repairs cannot be completed within the amounts shown on the

Claim # 494880-GK  
Page 2 of 2

estimate, please contact us before continuing the repairs so that any difference can be reconciled. Otherwise, your additional costs may not be reimbursed.

- Complete the repairs or replace your damaged items and send receipts, invoices or bills for the repairs or replacement to me by mail PO BOX 182068, COLUMBUS, OH, 43218-2068; email: coffem1@nationwide.com; or fax: 877-866-1399.

- Keep a copy of these documents for your records. In the events of a future loss, you will need these documents to prove that this damage was repaired or replaced. Otherwise, we will consider our payment as evidence of prior damage and the deduct the amount from the future claim.

What to expect:

We'll review all documentation you send us to determine the reimbursement amount. Our total payment will not exceed your limit of coverage.

### **For more information**

If you have any questions or concerns, please contact me at 614-435-2887 or COFFEM1@nationwide.com.

Sincerely,

Michael Coffey  
Harleysville Insurance Company  
PO BOX 182068  
COLUMBUS, OH 43218-2068

*EXHIBIT C*

**Harleysville Insurance Company**

Mike Coffey, AIC AINS  
 PO Box 182068  
 Columbus OH 43218-2068  
 O: 614-435-2887 | F: 877-866-1399  
 coffem1@nationwide.com

Insured: Life Skills Inc.  
 Property: 44 MORRIS ST  
 WEBSTER, MA 01570-1812  
 Home: 44 MORRIS ST  
 WEBSTER, MA 01570-1812

Business: (508) 943-0700  
 E-mail: tamick@life-skillsinc.org

Claim Rep.: Mike Coffey  
 Position: Claim Specialist  
 Business: PO Box 182068  
 Columbus, OH 43218-2068

Business: (614) 435-2887  
 E-mail: coffem1@nationwide.com

Estimator: Mike Coffey  
 Position: Claim Specialist  
 Business: PO Box 182068  
 Columbus, OH 43218-2068

Business: (614) 435-2887  
 E-mail: coffem1@nationwide.com

Claim Number: 494880-GK

Policy Number: MPA00000019116E

Type of Loss: All Other

Date Contacted: 5/6/2020 11:15 AM  
 Date of Loss: 5/5/2020 12:00 AM  
 Date Inspected: 5/12/2020 10:00 AM  
 Date Est. Completed: 6/5/2020 7:52 AM

Date Received: 5/6/2020 2:00 AM  
 Date Entered: 5/7/2020 7:11 AM

Price List: MAEM8X\_MAY20  
 Restoration/Service/Remodel  
 Estimate: LIFE\_SKILLS\_INC4

08823000112038





**Harleysville Insurance Company**

---

Mike Coffey, AIC AINS  
PO Box 182068  
Columbus OH 43218-2068  
O: 614-435-2887 | F: 877-866-1399  
coffem1@nationwide.com

**Dear Valued Customer,**

**Please refer to the attached Itemized estimate. The estimate contains our valuation of the damages for the reported loss and was prepared using usual and customary prices for your geographic area. If you choose to hire a contractor or vendor to make repairs, please provide this estimate to them.**

**Please note that if your mortgage company is included on your claim payment check, contact the mortgage company to discuss how to handle the proceeds of this payment.**

**If you, your contractor, or vendor determine that there are additional building fees and/or permits associated with the estimated repairs that are not included in this estimate, please contact me immediately so that I may review and make a determination as to the appropriate payment.**

**If you discover any additional damage to your property, please immediately contact me, either personally or through your contractor/vendor. We may need to re-inspect your property before authorization of supplemental payment. Please do not destroy or discard any of the damaged items until we have had an opportunity to inspect the damages and have reached an agreement with you on any supplemental cost.**

**Nationwide may also request to re-inspect your property, at your convenience, as part of our commitment to quality and customer service.**

**Thank you for allowing Harleysville Insurance Company to serve your insurance needs. Please contact me at the numbers listed above if you have any questions regarding this estimate or any other matter pertaining to your claim.**

**Harleysville Insurance Company**

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 Columbus OH 43218-2068  
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**LIFE\_SKILLS\_INC4****Temporary Repairs**

DESCRIPTION	QUANTITY	UNIT PRICE	TAX	O&P	RCV	DEPREC.	ACV
1. Temporary Repairs (Bld Item)	1.00 EA						OPEN ITEM
<b>Totals: Temporary Repairs</b>			0.00	0.00	0.00	0.00	0.00

**Demolition**

DESCRIPTION	QUANTITY	UNIT PRICE	TAX	O&P	RCV	DEPREC.	ACV
2. General Demolition*	1.00 EA						OPEN ITEM
<b>Totals: Demolition</b>			0.00	0.00	0.00	0.00	0.00

**General Conditions**

DESCRIPTION	QUANTITY	UNIT PRICE	TAX	O&P	RCV	DEPREC.	ACV
3. Dumpster load - Approx. 40 yards, 7-8 tons of debris	1.00 EA	988.84	0.00	197.76	1,186.60	(0.00)	1,186.60
<b>Totals: General Conditions</b>			0.00	197.76	1,186.60	0.00	1,186.60

**Rear Elevation**

DESCRIPTION	QUANTITY	UNIT PRICE	TAX	O&P	RCV	DEPREC.	ACV
4. Trackhoe/excavator and operator	12.00 HR	145.00	0.00	348.00	2,088.00	(0.00)	2,088.00
<i>12 hours excavator labor allowed for (1) technician working (1.5) full 8-hour days to remove and replace soil near affected foundation wall without causing further damage to property.</i>							
5. Foundation wall sawing - 8" wall	12.00 LF	72.60	0.00	174.24	1,045.44	(0.00)	1,045.44
6. Remove Slump stone block - 12" width	48.00 SF	2.31	0.00	22.18	133.06	(0.00)	133.06
7. Slump stone block - 12" width	48.00 SF	14.31	17.13	140.80	844.81	(145.61)	699.20
<i>To replace collapsed foundation wall.</i>							
8. Seal foundation wall	48.00 SF	0.62	0.36	6.04	36.16	(3.06)	33.10
9. Backfill foundations	12.00 LF	4.42	0.00	10.60	63.64	(0.00)	63.64
<i>To backfill foundation after repairs are completed and soil has settled.</i>							
<b>Totals: Rear Elevation</b>			17.49	701.86	4,211.11	148.67	4,062.44

LIFE\_SKILLS\_INC4

6/8/2020

Page: 3

08823000112045



**Harleysville Insurance Company**

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 PO Box 182068  
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 coffem1@nationwide.com

**Main Level****Work Area/Room****Height: 8'**

1469.33 SF Walls  
 3015.17 SF Walls & Ceiling  
 171.76 SY Flooring  
 202.83 LF Cell. Perimeter

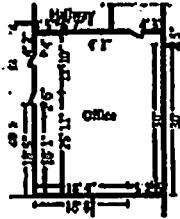
1545.83 SF Ceiling  
 1545.83 SF Floor  
 179.83 LF Floor Perimeter

Door 6' X 6' 8" Opens into Exterior  
 Missing Wall - Goes to Floor 4' 6" X 6' 8" Opens into ROOM3  
 Missing Wall - Goes to Floor 5' X 6' 8" Opens into ROOM2  
 Door 2' 6" X 6' 8" Opens into ROOM2  
 Door 2' 6" X 6' 8" Opens into ROOM2  
 Door 2' 6" X 6' 8" Opens into MAINTENANCE\_OF

DESCRIPTION	QUANTITY	UNIT PRICE	TAX	O&P	RCV	DEPREC.	ACV
10. Contents - move out then reset - Extra large room	1.00 EA	192.00	0.00	38.40	230.40	(0.00)	230.40
11. Remove 2" x 6" lumber (1 BF per LF) To remove subflooring.	788.23 LF	0.62	0.00	97.74	586.44	(0.00)	586.44
12. 2" x 6" lumber (1 BF per LF) To replace subflooring.	788.23 LF	2.33	36.46	374.62	2,247.66	(309.88)	1,937.78
13. Remove Joist - floor or ceiling - 2x12 - w/blocking - 16" oc To remove existing and damaged floor joists.	788.23 SF	1.25	0.00	197.06	1,182.35	(0.00)	1,182.35
14. Joist - floor or ceiling - 2x12 - w/blocking - 12" oc To replace floor joists.	788.23 SF	4.95	114.79	803.30	4,819.83	(975.69)	3,844.14
15. Remove Precast concrete - anchor block To remove shifted concrete anchor block.	2.00 EA	18.01	0.00	7.20	43.22	(0.00)	43.22
16. Precast concrete - anchor block To replace concrete anchor block.	2.00 EA	89.08	8.74	37.38	224.28	(74.32)	149.96
17. Remove Cove base molding - rubber or vinyl, 4" high	179.83 LF	0.34	0.00	12.22	73.36	(0.00)	73.36
18. Cove base molding - rubber or vinyl, 4" high	179.83 LF	2.04	12.93	75.96	455.74	(87.89)	367.85
19. Remove Snaplock Laminate - simulated wood floor - Standard grade	1,545.83 SF	1.18	0.00	364.82	2,188.90	(0.00)	2,188.90
20. Snaplock Laminate - simulated wood floor - Standard grade	1,545.83 SF	4.80	195.16	1,523.04	9,138.18	(1,658.87)	7,479.31
<b>Totals: Work Area/Room</b>			<b>368.08</b>	<b>3,531.74</b>	<b>21,190.36</b>	<b>3,106.65</b>	<b>18,083.71</b>

**Harleysville Insurance Company**

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 coffem1@nationwide.com

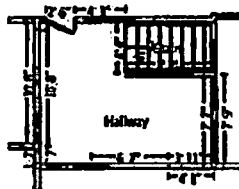
**Office****Height: 8'**

803.44 SF Walls  
 1638.17 SF Walls & Ceiling  
 92.75 SY Flooring  
 116.33 LF Cell. Perimeter

834.73 SF Ceiling  
 834.73 SF Floor  
 97.25 LF Floor Perimeter

Door 2' 6" X 6' 8" Opens into ADMIN\_OFFICE  
 Missing Wall - Goes to Floor 6' 7" X 6' 8" Opens into HALLWAY  
 Door 2' 6" X 6' 8" Opens into WORK\_AREA\_RO  
 Door 2' 6" X 6' 8" Opens into WORK\_AREA\_RO  
 Missing Wall - Goes to Floor 5' X 6' 8" Opens into WORK\_AREA\_RO

DESCRIPTION	QUANTITY	UNIT PRICE	TAX	O&P	RCV	DEPREC.	ACV
21. Contents - move out then reset - Extra large room	1.00 EA	192.00	0.00	38.40	230.40	(0.00)	230.40
22. Content Manipulation charge - per hour	4.00 HR	46.92	0.00	37.54	225.22	(0.00)	225.22
4 hours additional content manipulation labor allowed due to size and amount of contents in this area.							
23. Remove Cove base molding - rubber or vinyl, 4" high	97.25 LF	0.34	0.00	6.62	39.69	(0.00)	39.69
24. Cove base molding - rubber or vinyl, 4" high	97.25 LF	2.04	6.99	41.08	246.46	(47.54)	198.92
25. Remove Snaplock Laminate - simulated wood floor - Standard grade	834.73 SF	1.18	0.00	197.00	1,181.98	(0.00)	1,181.98
26. Snaplock Laminate - simulated wood floor - Standard grade	834.73 SF	4.80	105.38	822.42	4,934.50	(895.77)	4,038.73
<b>Totals: Office</b>			<b>112.37</b>	<b>1,143.06</b>	<b>6,858.25</b>	<b>943.31</b>	<b>5,914.94</b>

**Hallway****Height: 8'**

336.75 SF Walls  
 484.21 SF Walls & Ceiling  
 16.38 SY Flooring  
 49.66 LF Cell. Perimeter

147.46 SF Ceiling  
 147.46 SF Floor  
 40.58 LF Floor Perimeter

Missing Wall 4' 4" X 8' Opens into STAIRS  
 Door 2' 6" X 6' 8" Opens into Exterior  
 Missing Wall - Goes to Floor 6' 7" X 6' 8" Opens into ROOM2

DESCRIPTION	QUANTITY	UNIT PRICE	TAX	O&P	RCV	DEPREC.	ACV
27. Contents - move out then reset	1.00 EA	64.00	0.00	12.80	76.80	(0.00)	76.80
<b>LIFE_SKILLS_INC4</b>						<b>6/8/2020</b>	<b>Page: 5</b>

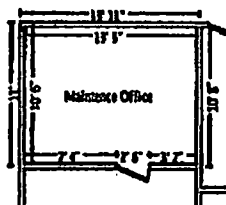
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**Harleysville Insurance Company**

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 PO Box 182068  
 Columbus OH 43218-2068  
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 coffem1@nationwide.com

**CONTINUED - Hallway**

DESCRIPTION	QUANTITY	UNIT PRICE	TAX	O&P	RCV	DEPREC.	ACV
28. Remove Cove base molding - rubber or vinyl, 4" high	40.58 LF	0.34	0.00	2.76	16.56	(0.00)	16.56
29. Cove base molding - rubber or vinyl, 4" high	40.58 LF	2.04	2.92	17.14	102.84	(19.84)	83.00
30. Remove Snaplock Laminate - simulated wood floor - Standard grade	147.46 SF	1.18	0.00	34.80	208.80	(0.00)	208.80
31. Snaplock Laminate - simulated wood floor - Standard grade	147.46 SF	4.80	18.62	145.28	871.71	(158.24)	713.47
<b>Totals: Hallway</b>			<b>21.54</b>	<b>212.78</b>	<b>1,276.71</b>	<b>178.08</b>	<b>1,098.63</b>

**Maintenance Office****Height: 8'**

366.00 SF Walls  
 506.88 SF Walls & Ceiling  
 15.65 SY Flooring  
 47.83 LF Cell. Perimeter

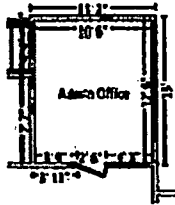
140.88 SF Ceiling  
 140.88 SF Floor  
 45.33 LF Floor Perimeter

**Door****2' 6" X 6' 8"****Opens into WORK\_AREA\_RO**

DESCRIPTION	QUANTITY	UNIT PRICE	TAX	O&P	RCV	DEPREC.	ACV
32. Contents - move out then reset - Extra large room	1.00 EA	192.00	0.00	38.40	230.40	(0.00)	230.40
33. Remove Cove base molding - rubber or vinyl, 4" high	45.33 LF	0.34	0.00	3.08	18.49	(0.00)	18.49
34. Cove base molding - rubber or vinyl, 4" high	45.33 LF	2.04	3.26	19.16	114.89	(22.15)	92.74
35. Remove Snaplock Laminate - simulated wood floor - Standard grade	140.88 SF	1.18	0.00	33.24	199.48	(0.00)	199.48
36. Snaplock Laminate - simulated wood floor - Standard grade	140.88 SF	4.80	17.79	138.80	832.81	(151.19)	681.62
<b>Totals: Maintenance Office</b>			<b>21.05</b>	<b>232.68</b>	<b>1,396.07</b>	<b>173.34</b>	<b>1,222.73</b>

**Harleysville Insurance Company**

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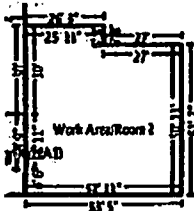
**Admin Office****Height: 8'**

340.26 SF Walls  
 471.54 SF Walls & Ceiling  
 14.59 SY Flooring  
 46.00 LF Cell. Perimeter

131.27 SF Ceiling  
 131.27 SF Floor  
 43.50 LF Floor Perimeter

**Door****2' 6" X 6' 8"****Opens into ROOM2**

DESCRIPTION	QUANTITY	UNIT PRICE	TAX	O&P	RCV	DEPREC.	ACV
37. Contents - move out then reset - Large room	1.00 EA	96.01	0.00	19.20	115.21	(0.00)	115.21
38. Remove Cove base molding - rubber or vinyl, 4" high	43.50 LF	0.34	0.00	2.96	17.75	(0.00)	17.75
39. Cove base molding - rubber or vinyl, 4" high	43.50 LF	2.04	3.13	18.36	110.23	(21.26)	88.97
40. Remove Snaplock Laminate - simulated wood floor - Standard grade	131.27 SF	1.18	0.00	30.98	185.88	(0.00)	185.88
41. Snaplock Laminate - simulated wood floor - Standard grade	131.27 SF	4.80	16.57	129.34	776.01	(140.86)	635.15
<b>Totals: Admin Office</b>			<b>19.70</b>	<b>200.84</b>	<b>1,205.08</b>	<b>162.12</b>	<b>1,042.96</b>

**Work Area/Room 2****Height: 8'**

1738.00 SF Walls  
 4605.08 SF Walls & Ceiling  
 318.56 SY Flooring  
 221.00 LF Cell. Perimeter

2867.08 SF Ceiling  
 2867.08 SF Floor  
 216.50 LF Floor Perimeter

**Missing Wall - Goes to Floor****4' 6" X 6' 8"****Opens into WORK\_AREA\_RO**

DESCRIPTION	QUANTITY	UNIT PRICE	TAX	O&P	RCV	DEPREC.	ACV
42. Contents - move out then reset - Extra large room	1.00 EA	192.00	0.00	38.40	230.40	(0.00)	230.40
43. Content Manipulation charge - per hour	12.00 HR	46.92	0.00	112.60	675.64	(0.00)	675.64
<i>12 hours additional content manipulation labor allowed due to size and amount of contents in this area.</i>							
44. Remove Cove base molding - rubber or vinyl, 4" high	216.50 LF	0.34	0.00	14.72	88.33	(0.00)	88.33
45. Cove base molding - rubber or vinyl, 4" high	216.50 LF	2.04	15.56	91.46	548.68	(105.81)	442.87
46. Remove Snaplock Laminate - simulated wood floor - Standard grade	2,867.08 SF	1.18	0.00	676.64	4,059.79	(0.00)	4,059.79

08823000112069

**Harleysville Insurance Company**

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 PO Box 182068  
 Columbus OH 43218-2068  
 O: 614-435-2887 | F: 877-866-1399  
 coffem1@nationwide.com

**CONTINUED - Work Area/Room 2**

DESCRIPTION	QUANTITY	UNIT PRICE	TAX	O&P	RCV	DEPREC.	ACV
47. Snaplock Laminate - simulated wood floor - Standard grade	2,867.08 SF	4.80	361.97	2,824.80	16,948.75	(3,076.73)	13,872.02
<b>Totals: Work Area/Room 2</b>			<b>377.53</b>	<b>3,758.62</b>	<b>22,551.59</b>	<b>3,182.54</b>	<b>19,369.05</b>
<b>Total: Main Level</b>			<b>920.27</b>	<b>9,079.72</b>	<b>54,478.06</b>	<b>7,746.04</b>	<b>46,732.02</b>
<b>Line Item Totals: LIFE_SKILLS_INC4</b>			<b>937.76</b>	<b>9,979.34</b>	<b>59,875.77</b>	<b>7,894.71</b>	<b>51,981.06</b>

**Grand Total Areas:**

5,218.55 SF Walls	5,699.98 SF Ceiling	10,918.53 SF Walls and Ceiling
5,727.23 SF Floor	636.36 SY Flooring	640.88 LF Floor Perimeter
0.00 SF Long Wall	0.00 SF Short Wall	698.77 LF Cell. Perimeter
5,727.23 Floor Area	5,873.47 Total Area	4,967.13 Interior Wall Area
2,556.25 Exterior Wall Area	326.61 Exterior Perimeter of Walls	
0.00 Surface Area	0.00 Number of Squares	0.00 Total Perimeter Length
0.00 Total Ridge Length	0.00 Total Hip Length	

**Harleysville Insurance Company**

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 Columbus OH 43218-2068  
 O: 614-435-2887 | F: 877-866-1399  
 coffem1@nationwide.com

**Summary for Loc 001 Bldg 001**

Line Item Total	48,958.67
Material Sales Tax	937.76
Subtotal	49,896.43
Overhead	4,989.67
Profit	4,989.67
Replacement Cost Value	\$59,875.77
Less Depreciation	(7,894.71)
Actual Cash Value	\$51,981.06
Less Deductible	(2,500.00)
Net Claim	\$49,481.06
Total Recoverable Depreciation	7,894.71
Net Claim If Depreciation Is Recovered	\$57,375.77

Mike Coffey  
 Claim Specialist

08823000112076



*EXHIBIT D*

Detach Stub Before Cashing And Keep For Your Record

G-2002-20-0320-00

THIS IS WATERMARKED PAPER. HOLD TO LIGHT TO VERIFY WATERMARK.

Nationwide Insurance  
PO BOX 182166  
COLUMBUS, OH 43218-2166  
1-800-421-3535



Nationwide

Check No: 15249452

56-1544

441

Date: 08-08-2020

Valid If Not-Cashed Within 180 Days

Ref: 404880-GK

15249452

PAY  
EXACTLY

FOORTY NINE THOUSAND FOUR HUNDRED EIGHTY ONE AND 05/100 DOLLARS

Pay To The Order Of  
LIFE SMITH INC AND MORGAN CHASE BANK NA  
44 MORRIS ST  
WEBSTER MA 01570-1812

08-08-2020

JPMorgan Chase Bank, N.A.  
Columbus, OH

Authorized Signature

⑈ 15249452⑈ ⑆044115443⑆

976485235⑈

***EXHIBIT E***



Life Skills Inc  
Page 1 of 3

Date prepared	July 9, 2020
Claim number	494880-GK
Policy number	MPA00000019116E
Questions?	Contact Claims Associate Giuseppe Corallo coralg1@nationwide.com Phone 860-716-1391

Life Skills Inc  
44 MORRIS ST  
WEBSTER, MA 01570-1812

### Claim details

Insurer:	Harleysville Insurance Company
Policyholder:	Life Skills Inc
Claim number:	494880-GK
Loss date:	May 5, 2020

Dear Life Skills Inc,

We completed our review of this collapse loss reported to have occurred on May 5, 2020. We made every effort to provide a fair and thorough evaluation of your policy of insurance and investigation of your loss.

Based on our investigation and review of your policy contract, Harleysville Insurance Company's opinion is this loss was caused by long term deterioration of the timber beams in the crawl space due to moisture. We must respectfully advise you that your policy number MPA00000019116E does not provide coverage for this loss.

### About our decision

Our investigation indicates that the soil in the crawlspace was not covered with a vapor retarder, therefore it permitted elevated moisture and humidity levels. This caused the timber beams that comprised the floor structure to decay. It is evident that this decay occurred over a long period of time, spanning decades. This long term decay caused a vertical displacement in the floor. The vertical displacement of the floor is not consistent with the definition of a collapse, and was not a result of an overloaded condition. These findings were concluded by EFI Global, which is an independent engineering firm in your area. Unfortunately, your Commercial Lines Common Policy does not cover for this type of loss.

### Policy details

Your Commercial Package policy states the following:

#### A. Coverage

We will pay for direct physical loss of or damage to Covered Property at the premises described in the Declarations caused by or resulting from any Covered Cause of Loss.

#### 3. Covered Causes Of Loss

See applicable Causes Of Loss Form as shown in the Declarations.

Life Skills Inc  
Claim # 494880-GK  
Page 2 of 3

**B. Exclusions And Limitations**

See applicable Causes Of Loss Form as shown in the Declarations.

**CAUSES OF LOSS - SPECIAL FORM**

**A. Covered Causes Of Loss**

When Special is shown in the Declarations, Covered Causes of Loss means Risks Of Direct Physical Loss unless the loss is:

1. Excluded in Section B., Exclusions; or
2. Limited in Section C., Limitations; that follow.

**B. Exclusions**

1. We will not pay for loss or damage caused directly or indirectly by any of the following. Such loss or damage is excluded regardless of any other cause or event that contributes concurrently or in any sequence to the loss.

h. "Fungus", Wet Rot, Dry Rot And Bacteria

Presence, growth, proliferation, spread or any activity of "fungus", wet or dry rot or bacteria.

2. We will not pay for loss or damage caused by or resulting from any of the following:

d. (1) Wear and tear;

(2) Rust or other corrosion, decay, deterioration, hidden or latent defect or any quality in property that causes it to damage or destroy itself;

(4) Settling, cracking, shrinking or expansion;

f. Continuous or repeated seepage or leakage of water, or the presence or condensation of humidity, moisture or vapor, that occurs over a period of 14 days or more.

k. Collapse, including any of the following conditions of property or any part of the property:

(1) An abrupt falling down or caving in;

(2) Loss of structural integrity, including separation of parts of the property or property in danger of falling down or caving in; or

(3) Any cracking, bulging, sagging, bending, leaning, settling, shrinkage or expansion as such condition relates to (1) or (2) above.

**D. Additional Coverage - Collapse**

The coverage provided under this Additional Coverage ? Collapse applies only to an abrupt collapse as described and limited in D.1. through D.7.

3. This Additional Coverage ? Collapse does not apply to:

- a. A building or any part of a building that is in danger of falling down or caving in;

Life Skills Inc  
Claim # 494880-GK  
Page 3 of 3

- b. A part of a building that is standing, even if it has separated from another part of the building; or
- c. A building that is standing or any part of a building that is standing, even if it shows evidence of cracking, bulging, sagging, bending, leaning, settling, shrinkage or expansion.

**Additional information**

We expressly reserve all other rights, defenses, or contentions, which are available to us under the policy of insurance, by law or otherwise, and do not waive any such rights or defenses which we now have or which may become known to us in the future.

If you have information about this claim that may affect our current decision, please forward it to us as soon as possible.

**For more information**

If you have any questions or concerns, please contact me at 860-716-1391 or [coralg1@nationwide.com](mailto:coralg1@nationwide.com).

Sincerely,

Giuseppe Corallo  
Harleysville Insurance Company  
PO BOX 182068  
COLUMBUS, OH 43218-2068

cc  
O&#39;CONNOR & CO INS AGENCY

***EXHIBIT F***



165 Ledge Street, Suite 7  
Nashua, New Hampshire 03060  
Tel: 603.732.9119

## Forensic Engineering Report Floor Structure Evaluation

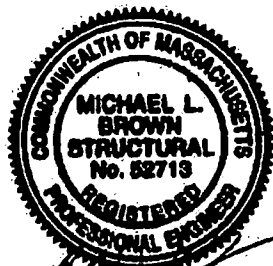
EFI Global File No.: 014.01116  
June 26, 2020

Insured: Life Skills, Inc.  
44 Morris Street  
Webster, Massachusetts 01570

Date of Loss: May 5, 2020  
Claim No.: 494880-GK

Prepared For:  
Giuseppe Corallo  
Nationwide Insurance  
P.O. Box 182068  
Columbus, Ohio 43218  
Coralg1@@nationwide.com

Report Authored By:



Michael L. Brown, P.E.  
Senior Forensic Structural Engineer  
PE Expires: 06/30/2020

Technical Review By:

A handwritten signature in cursive script that reads "John P. Gilewicz".

John P. Gilewicz, P.E.  
Senior Forensic Engineer

I hereby certify that this engineering document was prepared by me and that I am a duly licensed Professional Engineer in the state referenced in the signature line above. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copy. Hard copies of this report with a "wet-seal" can be provided upon request. This report is furnished as privileged and confidential to addressee. Release to any other party is the sole responsibility of addressee. ©2019 EFI Global, Inc.

Insured: Life Skills, Inc.  
EFI Global File No.: 014.01116

## **ASSIGNMENT**

The assignment was received by EFI Global, Inc. (EFI) on June 8, 2020, from Michael Coffey with Nationwide Insurance. The file was subsequently reassigned to Giuseppe Corallo with Nationwide Insurance.

The scope of this assignment was to:

- Determine the cause of the reported vertical displacement of the floor structure at the northwest corner of the ceramics room and to determine if the reported damage was considered a collapse.

In response to this request, Michael L. Brown, P.E., (EFI) visited the site on June 10, 2020. Joseph Daniels, Maintenance Supervisor with Life Skills, Inc., and David Cole with Cole Contracting, building owner's contractor, were present during the site visit, provided access to the property, and background information.

EFI Global, Inc. (EFI) has completed an inspection at the subject property located at the above referenced address. EFI's findings, analysis, and conclusions are included herein. This report contains a discussion of the information gathered during the assessment and an analysis and conclusions with respect to the condition of the subject property at the time of EFI's assessment. The conclusions contained herein are based on information available to date.

## **METHODOLOGY**

The collection and analysis of information for this project followed an application of engineering principles to the investigation analysis.

The procedures followed included:

1. Following receipt of the assignment, a site examination was conducted on June 10, 2020 in the presence of Mr. Daniels and Mr. Cole.
2. Mr. Daniels and Mr. Cole were interviewed during the site inspection to determine the background, timeframe, and extent of reported damage sustained by the floor structure.
3. Mr. Tom Amick, CEO of Life Skills, Inc. was also interviewed via telephone to determine additional background information.
4. The following was researched:
  - a. 2015 International Building Code, International Code Council
  - b. Merriam-Webster Dictionary, URL: <https://www.merriam-webster.com/dictionary/collapse>
  - c. The Webster, Massachusetts, Online Property Database, URL: <https://www.webster-ma.gov/620/Zoning-Map-Property-Record-Cards-GIS>
5. This written report was authored at Giuseppe Corallo's request.

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## **BACKGROUND AND BUILDING SYSTEM DESCRIPTION**

The building was a two-story, timber and steel framed structure, of which a portion of the structure was constructed on brick masonry foundation walls within which a crawlspace was enclosed, and the remainder of the building featured a slab-on-ground concrete floor. The roof was a low-slope type roof and the exterior walls were clad with a combination of brick veneer, vinyl siding, and shingles. The floor structure in the subject portion of the building (the ceramics room) comprised 3-inch-thick wooden subfloor planks supported atop timber floor beams that were founded on concrete piers. For the purposes of this report, the building was considered to face south on Morris Street (Appendix A – Photographs).

Research performed in relation to this investigation through the Webster, Massachusetts Assessor's office revealed that the building was constructed in 1850.

## **PROVIDED INFORMATION**

The following information was gathered during the site visit and through interviews of Mr. Amick, Mr. Daniels, and Mr. Cole:

- Mr. Daniels has worked at the subject building since about 2016.
- The prior maintenance supervisor was Robert Scoczenski and he worked at the building from about 2000 through 2015.
- The timeframe of performing repairs in the crawlspace in the form of sistering the timber beams and propping the ledger beam along the west foundation wall with concrete masonry (CMU) to augment decayed timber beams was unknown.
- Mr. Amick indicated that prior maintenance staff could have performed these repairs, but he was not aware of the timeframe, extent, or purpose of the repairs.
- Mr. Amick did not have contact information for Robert Scoczenski at the time of providing this information.
- It was also unknown when concrete infill was placed adjacent to the west foundation wall and an automatic slider in the west exterior wall. This infill was consistent with a prior repair to strengthen and level the floor.
- The automatic slider was installed sometime between 2013 and 2015 but Mr. Amick thought the concrete infill likely predated the installation of the automatic slider.
- Mr. Amick indicated that animals use to live in the crawlspace due to a hole that was in the north foundation wall at the northwest corner of the crawlspace.
- Mr. Amick believed that mortar patches at the northwest corner of the foundation were to enclose the hole through which animals were entering the crawlspace, and the work was done approximately 12 years ago at the suggestion of Braman Pest Control or Braman Chemical to mitigate animals living in the crawlspace.
- Spray foam insulation placed at gaps between the floor and foundation walls were installed prior to Mr. Daniels tenure.
- The subject room was utilized as a ceramics classroom since about 2010.

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- On or about May 5, 2020, Mr. Daniels discovered that the floor in the ceramics room overlying the crawlspace was displaced downward approximately 8 to 10 inches between the northwest corner of the foundation and the first beam to the east.
- Mr. Daniels was unaware of prior issues with the floor and noticed the vertical displacement due to a visible tilt of two portable kilns on the floor.
- At first, Life Skills was not intending to open an insurance claim. However, subsequent to hiring Johnson Exteriors to demolish the subfloor, widespread instances of decayed subfloor, decayed timber beams, a rotated concrete pier and supported steel column, and historical relocation of columns that were bearing on deflected (sagging) timber beams, it was decided to bring in a more experienced contractor.
- Life Skills hired Cole Contracting who retained an engineer, Rob Johnson, to design temporary shoring for the second floor. This temporary shoring was in place during EFI's inspection.
- Mr. Cole indicated that although the vertical displacement was isolated to the northwest corner of the ceramics room, widespread replacement of the floor structure is required to the long-term deterioration, decay, and demolition of the subfloor that contributed to lateral displacement of a concrete pier and steel column.
- Mr. Cole indicated the current scope of repairs to the floor structure total approximately \$264,000 but that number will likely increase due to additional decayed timber beams located outside of the ceramics room.
- Mr. Cole, Mr. Amick, and Mr. Daniels referred to the vertical displacement discovered at the northwest corner of the ceramics floor as a collapse.
- Mr. Daniels indicated that no pictures were taken of the floor before demolition was initiated or during the initial phases of demolition.
- EFI contacted Matthew Johnson of Johnson Exteriors to request any photographs that they took prior to or soon after demolition began. Johnson Exteriors has not provided pictures as of the date of this report.

## **SITE OBSERVATIONS**

Observations were photographed to document distress and relevant conditions at the subject property on the date of the site visit. Pertinent photographs captured to document findings and observations are attached to this report. During this investigation, the following observations were made:

### **EXTERIOR SITE OBSERVATIONS:**

- Bricks in the north foundation wall at the northwest corner of the building were displaced and mortared into place with historically installed repair mortar.

### **INTERIOR SITE OBSERVATIONS:**

- The subfloor was removed throughout the ceramic room.
- The north ends of the timber beams were severely decayed.

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- The timber beams were sistered with wood beams that were notched to mitigate historical vertical displacement resulting from the decayed timber beams.
- Stacked CMU was observed under the westernmost beam adjacent to the west foundation wall.
- Bricks at the interior face off the north foundation wall were detached from the foundation wall and laying on the ground.
- The mortar at the northwest corner of the foundation was powdery.
- The westernmost ledger beam was detached from the wall and laying on the ground.

## DISCUSSION AND ANALYSIS

In accordance with the request, the building was inspected to determine the cause of the reported displacement of the floor in the northwest corner of the ceramics room. As mentioned previously, the timber beams that comprised the floor structure were severely decayed.

Studies have been conducted to correlate the exposure period of various wood products to moisture with the degree of discoloring and volume expansion. One of the most comprehensive studies was by Ralph E. Moon, Ph.D., CHMM, CIAQP, in which various wood products were exposed to 13 wet-dry cycles over 40 weeks. The study by Moon concluded that "solid wood discolors slowly and requires continuous moisture exposure to develop a dark (two-to-five months) to black (six-to-eight months) appearance. Repeated wet-dry cycles did not discolor materials to black in the observed study period (40 weeks)." The USDA Forest Products Laboratory, states that "Soft rot" wood decay, however, requires a minimum of one year and typically requires 3 to 7 years depending upon the wood species (Goldberg, "The Value of Wood Decay Analysis in Water Losses").

Based upon the degree to which the wood was decayed and upon EFI's experience, the decay process in the crawlspace occurred over a period of decades, due to exposure to elevated levels of moisture in the crawlspace. The soil in the crawlspace was not covered with a vapor retarder, nor was sufficient openings provided in the foundation walls for ventilation. These factors would permit elevated moisture levels/humidity in the crawlspace. EFI did not observe evidence of localized pipe leaks or other sources of moisture within the crawlspace.

As wood decays, it loses strength due to the loss of cross-sectional area. The wood beams that supported the subfloor and the subfloor itself, were decayed to the extent that they would not be expected to support normal expected loading. The ceramic room housed storage shelves and kiln equipment. The kilns were reportedly in the area of the floor's vertical displacement that was discovered on or about May 5, 2020. However, the kilns were portable and not a load that would overload a properly constructed floor in good condition. For these reasons, EFI concluded that the vertical displacement of the floor was caused by the long-term deterioration of the timber beams and not from an overloaded condition.

As of the date of this report, photographs of the damage as it existed on or about May 5, 2020 have not been provided for review but Life Skills and their contractor have referred to the observed vertical displacement of approximately 8 to 10 inches as a collapse. Generally, within the engineering profession, collapses or partial collapses, are when a structure or portions of a structure fall from their intended position onto the ground or floor below. The 2015 International Building Code, in the definition of Dangerous in Section 202, detachment or dislodgment of a member is distinguished from a collapse. Further, Merriam-Webster defines collapse as "to fall or shrink together abruptly and completely: fall into a jumbled or flattened mass through the force of external

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pressure.” The reported vertical displacement of the floor is not consistent with the definition of collapse, and therefore, it is EFI’s professional opinion that the detachment and dislodgement of the timber beam that resulted in the vertical displacement of the floor was not a collapse.

Refer to Appendix A – Photographs for photographs pertinent to this discussion.

## **CONCLUSIONS**

The analysis of available evidence related to this assignment supports the following opinions:

1. The reported vertical displacement of the floor at the northwest corner of the ceramic’s room was caused by long-term, on the order of decades, deterioration, in the form of decay of the floor structure’s timber beams.
2. The decay was caused by exposure to elevated levels of moisture in the crawlspace due to an absence of a vapor retarder and inadequate ventilation.
3. The vertical displacement of the floor was not a collapse.

## **APPENDICES**

Representative photographs are included with this report. Additional photographs captured at the time of the inspection are available upon request.

- Appendix A – Photographs

## **LIMITATIONS**

The information presented in this report addresses the limited objectives related to the evaluation of this assignment. The opinions presented in this report have been made to a reasonable degree of scientific and engineering certainty based upon the information available at the time this report was authored. This report only describes the conditions present at the time of EFI’s examination and is only based upon the observations made. This analysis was limited to the scope of work outlined in this report. This report is not intended to fully delineate or document every defect or deficiency throughout the subject property.

The opinions contained within this report are limited to the circumstances associated with this assignment, and are based on this author’s education, experience, and training. Should additional information which relates to this evaluation become known, EFI reserves the right to alter the opinions contained in this report as necessary. In some cases, additional studies may be warranted to fully evaluate conditions noted.

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This report is furnished as privileged and confidential to the addressee. Release to any other company, concern, or individual is solely the responsibility of the addressee. Any verbal statements made before, during, or after the course of the assignment were made as a courtesy only and are not considered a part of this report. This report is furnished as privileged and confidential to the addressee. Release to any other company, concern, or individual is solely the responsibility of the addressee. Any reuse of this report or the findings, conclusions, or recommendations presented herein without the express written consent of EFI is prohibited.

## **CLOSING**

EFI appreciates this opportunity to provide consulting services related to this matter. Please contact us should any questions arise concerning this report, or if we may be of further assistance.

## **ENGINEER STAMP**

This report has been transmitted electronically. If requested, a hard copy of the report with a "wet-stamp" can be provided. The signature and stamp image on the front is for demonstrative purposes. This report has been electronically signed and sealed by this author on the referenced date. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copy.

It is a violation of law for any person to alter this document in any way, unless acting under the direction of a licensed professional engineer. If a document bearing the seal of an engineer is altered, the altering engineer shall affix to the document their seal and the notation "altered by" followed by their signature and the date of such alteration, and a specific description of the alteration.

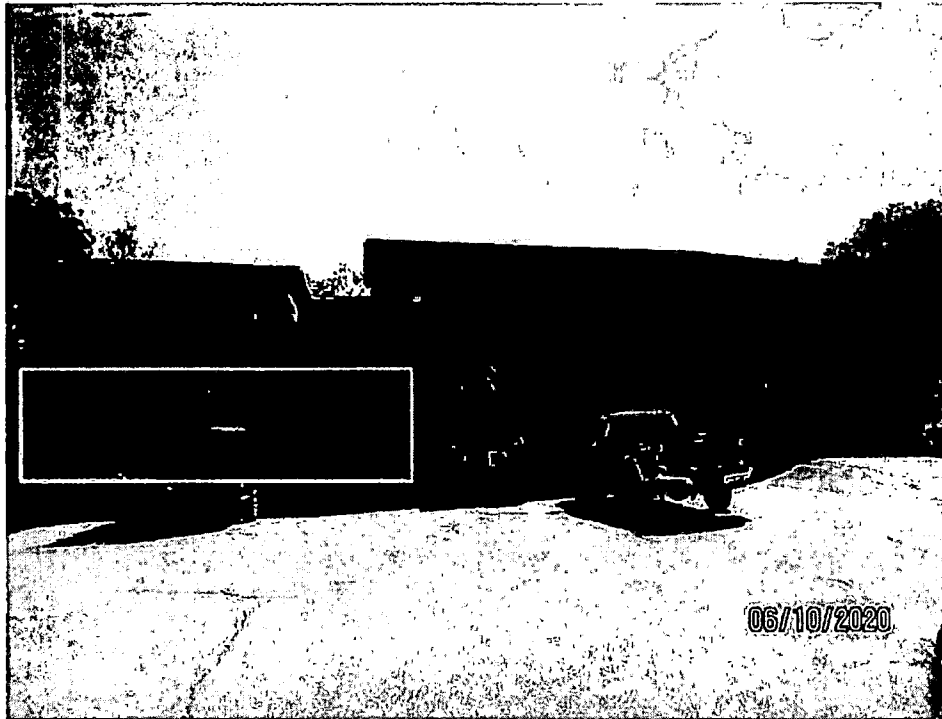


Photo No. 1: View of the west elevation of the building. The subject portion (ceramic's room) of the building is indicated.



Photo No. 2: View of the north elevation of the building.

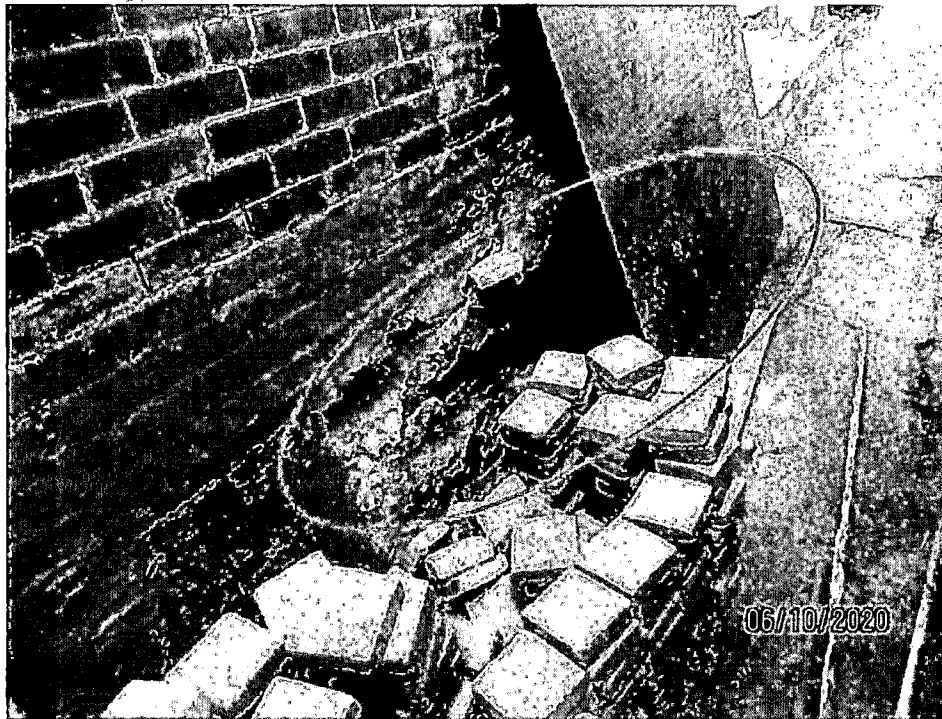


Photo No. 3: View of the north foundation wall at the northwest corner of the building. Note that the displaced bricks are mortared into their displaced positions.

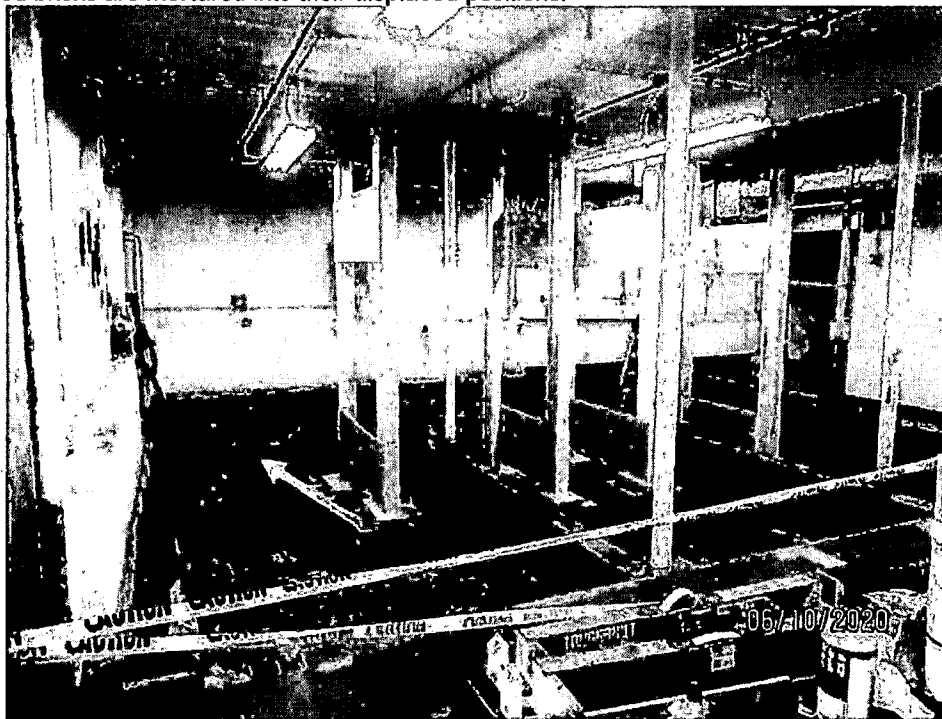


Photo No. 4: View of the ceramics room. Note the subfloor was demolished and temporary shoring installed. The northwest corner of the foundation is indicated with the red arrow.



Photo No. 5: Closer view of the northwest corner of the foundation. Note the stacked CMU, powdery mortar, and decayed wood.

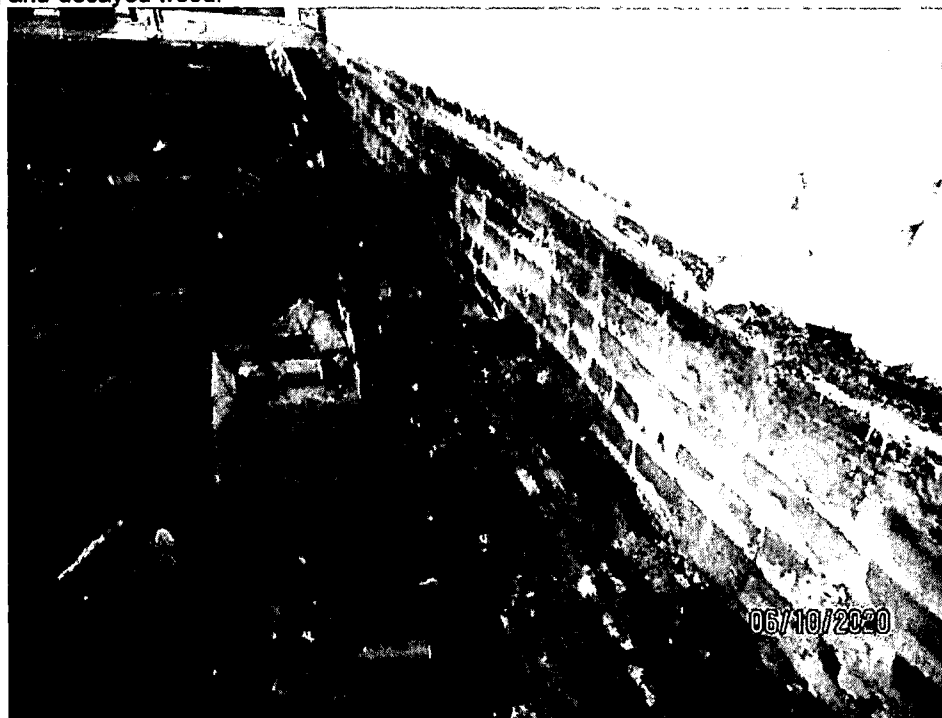


Photo No. 6: View of decayed ledger beam adjacent to the west foundation wall.



Photo No. 7: View of decayed wood plank subfloor on the west ledger beam.



Photo No. 8: View of the end of a decayed wood beam.

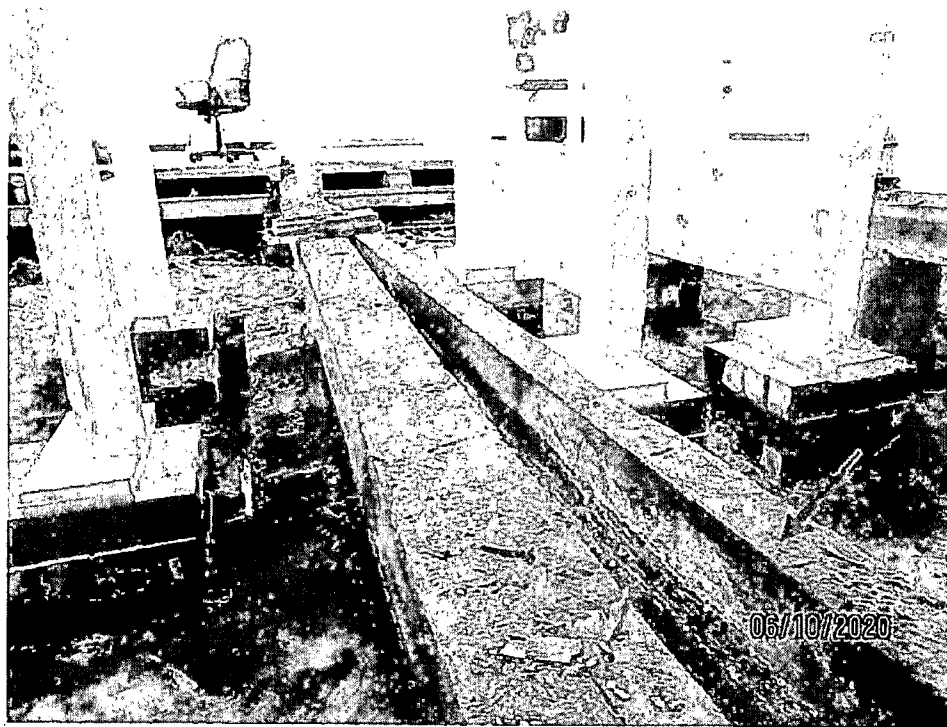


Photo No. 9: View of typical sister beams.

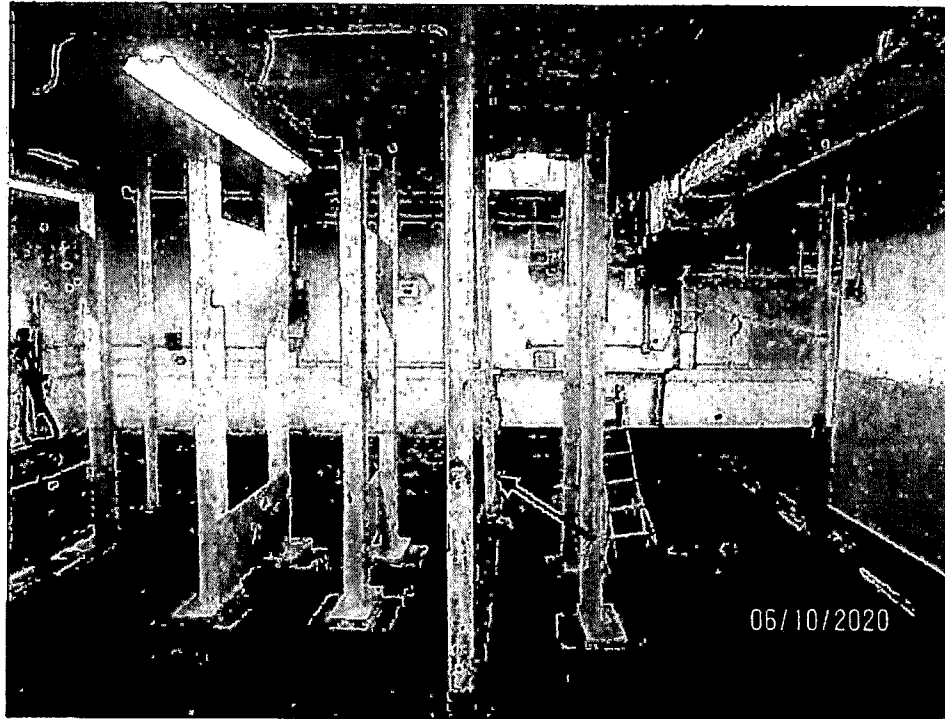


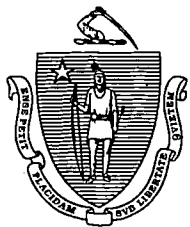
Photo No. 10: View of laterally displaced column.



Photo No. 11: View of concrete infill adjacent to the west foundation wall.



Photo No. 12: View of more decayed north end of wood beams.



COMMONWEALTH OF MASSACHUSETTS  
DIVISION OF INSURANCE  
1000 WASHINGTON STREET, SUITE 810  
BOSTON, MA 02118-6200

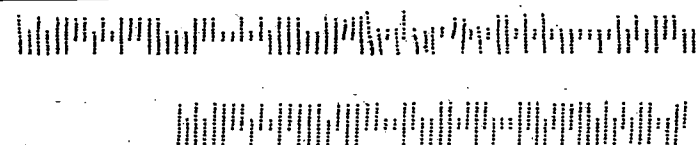


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DIVISION OF INSURANCE  
1000 WASHINGTON STREET, SUITE 810  
BOSTON, MA 02118-6200

NATIONWIDE INSURANCE COMPANY OF  
AMERICA  
c/o Corporation Service Company  
84 State Street  
Boston, MA 02109



# Exhibit 2

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

Life Skills

(b) County of Residence of First Listed Plaintiff Worcester  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)  
Boston Law Collaborative LLC  
80 William Street, Suite 200  
Wellesley, MA 02481

**DEFENDANTS**

Harleysville Insurance Company, improperly pled as Nationwide Insurance Company

County of Residence of First Listed Defendant Franklin County OH  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)  
Gfeller Laurie LLP  
977 Farmington Avenue, Suite 200, West Hartford, CT 06107  
(860) 760-8400

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question  
(U.S. Government Not a Party)
- ☒ 4 Diversity  
(Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                                   | DEF                                   |
|---|----------------------------|----------------------------|---|---------------------------------------|---------------------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input checked="" type="checkbox"/> 4 | <input type="checkbox"/> 4            |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5            | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6            | <input type="checkbox"/> 6            |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input checked="" type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice <b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education <b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
28 U.S.C. Section 141

Brief description of cause:

Breach of Contract, Declaratory Judgment, Violations of M.G.L. ch. 178d, ch. 93A**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

06/15/2022

SIGNATURE OF ATTORNEY OF RECORD

/s/ Robert D. Laurie

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

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# Exhibit 3

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

1. Title of case (name of first party on each side only) Life Skills v. Harleysville Insurance Company, improperly pled as Nationwide Insurance Company
2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).
- ☐ I. 160, 400, 410, 441, 535, 830\*, 835\*, 850, 891, 893, R.23, REGARDLESS OF NATURE OF SUIT.
- ☒ II. 110, 130, 190, 196, 370, 375, 376, 440, 442, 443, 445, 446, 448, 470, 751, 820\*, 840\*, 895, 896, 899.
- ☐ III. 120, 140, 150, 151, 152, 153, 195, 210, 220, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 367, 368, 371, 380, 385, 422, 423, 430, 450, 460, 462, 463, 465, 480, 485, 490, 510, 530, 540, 550, 555, 560, 625, 690, 710, 720, 740, 790, 791, 861-865, 870, 871, 890, 950.

\*Also complete AO 120 or AO 121. for patent, trademark or copyright cases.

3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.

4. Has a prior action between the same parties and based on the same claim ever been filed in this court?

YES ☐ NO ☒

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)

YES ☐ NO ☒

If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?

YES ☐ NO ☐

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?

YES ☐ NO ☒

7. Do all of the parties in this action, excluding governmental agencies of the United States and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).

YES ☒ NO ☐

- A. If yes, in which division do all of the non-governmental parties reside?

Eastern Division ☐ Central Division ☒ Western Division ☐

- B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?

Eastern Division ☐ Central Division ☐ Western Division ☐

8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)

YES ☐ NO ☒

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME Robert D. Laurie (BBO # 648456)

ADDRESS Gfeller Laurie LLP, 977 Farmington Ave., Suite 200, West Hartford, CT 06107

TELEPHONE NO. (860) 760-8400